

BRAXTON
V
C.A YOUNG

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Southern West Virginia
complaint

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RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West Virginia

On April 18, 2016 Detective C.A. Young issued a affidavit to Fayette County Magistrate Leonard H.Brickford, stating he was Deputized by the West Virginia State Police, been involved in numerous State and Federal Narcotics Investigations. Det. Young's affidavit stated nothing I did in my personal capacity illegal, nor am I on any (so called) documented video and audio doing anything illegal . Nor is my name on this search warrant to be issued, Fayette County Sheriff and deputy's, West Virginia State Police at the (Oak Hill dispatch) and Magistrate Leonard Brickford knew/know who stayed at 1652 Prudence Road that would be myself, ANTHONY JAMES BRAZTON.

Fayette County Magistrate Leonard Brickford, went outside his job Capacity to Grant a Search Warrant on 1652 Prudence Road, he granted this search warrant upon (reputation), Prosecutors, Police, gave me this (REPUTATION) of being a drug dealer, in light of never being convicted of a drug crime in my life, nothing in his job procedure, nor training would gives him the legal Authority to grant this Search Warrant, on reputation of being a drug dealer, Detective Young affidavit that it would end up finding something illegal, so I can be charged criminally.

Magistrate Leonard Brickford, Detective C.A. Young, and other Police Officers, conspired to Violated my U.S. Civil Rights (1983), ignoring my Safeguard's, Protections within Article 3, Section 6,10 of the West Virginia Bill of Rights, the 4th Amendment of the U.S. Constitution, by Unreasonable Search upon my Dwelling, and not given Equal Protection Clause within the 14th Amendment by not giving myself the protections as other white Citizen's within this State. (Jimcrow)

Detective Young, and other police found (nothing) at my Dwelling, that they were looking for supposedly, from their affidavit that was used to obtain their Search Warrant. On my property receipt, that was given to me by Detective Young, it stated \$2,200 cash and some weed nothing else. Detective Young told me if I wanted my money back, and make a few criminal charges, he supposedly had against me go away, only if i would have to find him a big time heroin dealer. At that moment I realized, I was being (Drafted) to be their (snitch) team, his bogus information, illegally obtained search warrant, came up with (NOTHING ILLEGAL) but a very small amount of weed (20 dollar bag), now Detective Young, is using my half money, (\$2,202.00), as one of he's Incentive's to work for him, and the other incentive Detective Young was offering, was threatening, and intimidating, it was, to make a criminal charge go away, this is nothing less then, a threat to make up a charge, or charges, since there was no actual crime I knew I had committed, I knew I had not done nothing illegal as he speak of, so I was (only) worried about being set up with something I knew nothing about. So these police came in my Dwelling, to go fishing for anything illegal, if they (had) find something, police would of use it, as a motivation for me to work for them, police would of charged me, they are not my friend. I told Detective Young I had (\$4,400), (\$2,200) less money then stated on my Property receipt, Detective Young told me, that's all the money that the other police gave him. I told Detective Young at that moment, that he, nor any other police officer's, did not have a right to take any money from my dwelling, if I am not charged with nothing, you not taking my money as evidence, because all \$ 4,402.00 would HAVE BEEN RECORDED. I did nothing illegal for my money to be taken.. He

told me that is what the courts are for, they were the police, they were the law of this land.

Detective Young, nor any other police officer, didn't take (any) of my money as evidence, he was trying to negotiate my money, he just taken from myself, back to me. On 25 of July, 2016, after waiting 90 days to pass, never given a notice of any kind, for Forfeiture under Article 7. West Virginia Contraband Forfeiture Act, 60a-7-705 (a)(4). I told Fayette County Sheriff Steve Kessler on this day, all my money was not accounted for on my property receipt of April 18, 2016. He started laughing, and then I asked, where can I pick up my money at? Sheriff Steve Kessler told me, I was not getting my money back, because it's been forfeited, the moment police took it on April 18, 2016, Sheriff Steve Kessler, stated that, all my money was put in Police Forfeiture Bank Account the next day (April 19, 2016), and he and other police have spent all my money already. Fayette County Sheriff Steve Kessler is a racist, he said he didn't like JAP'S, (even though i am Korean), AND that THEY should NOT BE IN THIS COUNTRY, More LESS myself being in his County. He told me I had no rights, and that he was going to show me, better then he could tell me.

On or around November 14, 2016 I ask Fayette County Sheriff Steve Kessler for my money once again, he told me I was not getting (shit). At that time, i told Sheriff Steve Kessler, I was going to sue him, and all others involved, in their personal capacity's, if any one spent my money.

On or around January 16, 2017 I told newly elected Circuit Court Clerk of Fayette County Steve Kessler, if I didn't have all my money, that was on my property receipt, from April 18, 2016 within 30 days, i was going to file suit in Fayette County Circuit Court, to get my money back. Mr Steve Kessler told me all my money have been spent, and that some of my money help get him, and (OTHERS) elected, as he was laughing.

On February 15, 2017 Detective W.R. Callison issue a affidavit for a Search Warrant upon my Dwelling, from Fayette County Magistrate Leonard Brickford. After executing this Search Warrant, and finding (nothing), I was given only a cover sheet of his Search Warrant.

I never seen nothing more then a cover sheet, from Detective Callison Search Warrant, but I know that once again Fayette County Magistrate Leonard Brickford colluded with Detective Callison in his personal capacity, to issue my Death Warrant. When Detective Callison, executed his search warrant up on my dwelling on February 15, 2017, they came to kill me (title 18, U.S.C. sec. 249) The tactic police used, by not indentifying their self's before breaking my window, and then pausing for a few moments, then indentifying their self's, as they came into my Dwelling. Police wanted me to think, someone was breaking into my dwelling, they had given me enough time, to get what ever, i had near me, to defend myself against this apparent intruder , police hoped I had something in my hands, so they could kill me. After hours of being intimidated by police, they took (\$650.00) but never given me a Property Receipt. I was given a ticket for weed. What I experienced was nothing less then Domestic Terrorism, Klan Rally at my Dwelling, from White Supremacist Leadership, everything that was done, was done in leaderships roles, Personal Capacity's, in the color of their Jobs. Police followed no rule of law, they have no Legal Authority to have Forfeited my money, nor did they try, to Legally Forfeite my money though a very Questionable State Forfeiture law, when police put my money in their Forfeiture Bank

account the next day, then spent my money short time later. Without any kind of Due Process of Law, once against they showing me, they make the laws.

Fayette County Magistrate Leonard Brickford is Racist, a white Supremacist Sympathizer, that used his job for personal gain, what is to promote White Supremacy. Detective Callison is Racist, had no legal authority to come in my Dwelling, with his Death Squad, to try to kill me, intimidate me, he followed no rule of law, everything he done, was done in his Personal Capacity, and have no Legal Authority to back up his/their actions. Magistrate Leonard Brickford, signed off on (two) bogus Search Warrants, without any Arrest Warrants, he is just allowing police to once again go on a (fishing expedition) to find something on me, (treasure hunt) for police to take what ever they can carry, or put in your pockets, (KLAN PIRATES). I did nothing illegal for any one to come in my dwelling and Deprive me of Life, and Property. After messing up many personal items, within my dwelling then finding nothing, he just wanted to shut me up, in fact Detective Callison was upset when he seen me still alive, he wanted to keep me from ever asking for my money again, from my property receipt on April 18, 2016, police had plan on killing me on February 15, 2017, to do damage control.

On or around June 19, 2017 after waiting pass 90 day's, from February 15, 2017 Search Warrant, I called Detective Young for my money from April 18, 2016 property receipt, Detective Young told me the last time he seen my money, was when he given it to the U.S. Attorney Office in Charleston.

On July 24, 2017 I filed a Petition Civil Action No. 17-p-45, Pro Se, to get my money back, from Detective Young, via property receipt of April 18, 2016 for \$2,202 cash U.S. Currency, in the Circuit Court of Fayette County, West Virginia, in front of Chief Judge John W. Hatcher, JR.

On or around August 14, 2017 i was told by a secretary in the Fayette County's Prosecutors office, that I had a check for \$2,100.00 as part of a Settlement Proposal Agreement, in which i must sign, before I could receive this check. (Title 18, U.S.C., sec. 242) prosecution only pretend to be acting in their official capacity, when preparing this agreement, prosecution and everyone I speak of , are third degree participants, acting in the color of the law.

On or around August 18, 2017 I filed a motion in Case No.17-p-45, I claimed that it's a existence of conflict of interest with the newly elected Fayette County Court Clerk Steve Kessler, and myself.

On or around September 7, 2017 after looking at Fayette County Prosecutor's Settlement Proposal Agreement, I filed a motion in Case No. 17-p-45 asking this Court to make Detective Young, from a property receipt of April 18, 2016, to return the full amount to myself (unconditionally). I should only have to only sign, a receipt to show I did receive certain amount of money back.

What this settlement proposal agreement was, is nothing less then damage control. Within this so called Proposal Agreement, was the first time mention of (marked money), that totaled \$100.

What this agreement was saying, is Prosecutors want me to sign, is to enter a felony confession , by Agreeing what the Prosecutors said happened. Truth, of what really happened is not within this agreement. In fact, the language within this agreement, makes myself, invokes the Fifth Amendment, this agreement wants me to Self-incriminate myself. 90 days have pasted, for the state to file action though the West Virginia Contraband Forfeiture Act, procedure for forfeiture ss 60A-7-705 (a)(4). I never heard a mention of mark money before this moment of reading this Settlement Agreement, Also the Prosecution States in this Agreement, it did not plan on taking any type of Civil Forfeiture action against my money, despite fact, that the State could not pursue Civil Action due to time frame to file action within West Virginia Contraband Forfeiture Act had passed by one year, If they could, they would of pursue this action at that time. Nor do the prosecution plan on pursuing any criminal charges, if the Prosecution had anything to truly pursue, they would of. Nothing, from nothing, leaves nothing. Prosecution had nothing, but all my money \$4,400.00, still today police have half of my money. If I signed this agreement, it would make it appear I had committed a Felony Act, and the Police, Prosecutors, were giving me a break. More importantly, it is not the truth, this would fit the reputation, perceptions, the prosecution, police have put upon myself.

Truth, is there is no State Law to support the Fayette County Prosecutors to work on this particular Civil Case in their Official Capacity, I got Robbed by police and they know it. The issue is my money being held illegally, it's illegal because their is no law or any other legal authority that allows a hold or to keep my money, and spend, without any interaction of State or Federal Courts, until this point on time (over 16 months) what I initiated.

On September 7, 2017 Fayette County Prosecuting Attorney Office filed a answer to my civil action 17-p-45. Within the prosecution answer they had interrogations, that constituted an (inherently coercive) situation, within eformula of Ashcraft v Tennessee, which had Violated the Due Process of law, that's Guaranteeing to me by the U.S. Constitution. In Refoule v Ellis, declares that the use of third Degree practices, by State, or local police violates the due process clause of the Fourteenth Amendment. West Virginia contraband forfeiture act, allows third degree practices, to exist, and be protected. Cash money is Personal Property.

Fayette County Prosecuting Attorney's office, (conspiracy to obstruct justice) should of recused their self from this civil case, because it was outside their job capacity, with the settlement proposal agreement, prosecutors knew I should of had a lawyer present to sign any kind of propose agreement, with the kind of criminal language within it. This agreement is nothing more then trying to bring back to life, the West Virginia Contraband Forfeiture Act in some capacity, since the passed 13 months. When prosecution proposed this agreement, Fayette County Prosecutors, knew police didnt follow procedures, or the rule of law, the prosecution are third degree participants acting in the color of the law, no laws give police this Legal Authority to keep my money, and spend it, it was the prosecution advising police, how to permanently Deprive me of my money from the beginning when police had all my money. The definition of (Theft) is often defined as the unauthorized taking of property from another with the intent to Permanently Deprive them of it.

This alleged marked money, police supposedly, say they got from my dwelling (only) after I file

suit, OK, let me entertain that thought, once more. So police are saying that they found mark money, if this is so, why would this money be put into a Forfeiture Account the next day, as opposed to Preserving this money as evidence. Police Bank Account will tell the truth. Only money that goes into any (forfeiture account) is forfeited money (supposedly) now the real question the prosecutors will be trying to avoid answering is, WHO had this Authority to Forfeited my money before it was deposited in a Forfeiture Banking Account the next following day, and then spent. No State Court Forfeited my money, No Federal Court Forfeited my money, No State, or Federal jury found my money forfeitable, how my money end up in a forfeiture account the next day??? Someone, or some people do have this power to do this at will, and then, they point their fingers at the West Virginia contraband forfeiture act as their legal authority. This States, forfeiture law allows racist, and non racist, police officer to steal at will. There is no accountability of records, receipts, of property taken from people, with and without forfeiture interactions of State and Federal Courts, i am not the only person to have cash money taken without forfeiture interactios of Courts.

On September 13, 2017 Chief Judge of Fayette County Circuit Court,(Sua Sponte) rules that it is not necessary to have a hearing to resolve the matter of money ownership. The Court Ordered that the Central West Virginia Drug task force, Forthwith , return to Anthony Braxton \$2,102.00 in the form of a check. What just happen to \$100 dollars of my money upon this ruling is, it has been Legally Forfeited via (Sua Sponte). What this means is, police could of put any (amount) of my money as being, MARKED MONEY in their settlement agreement proposal,or answer to my petition, i filed to get my money back, other then \$100 dollars and the judge would of grated it to them, Without a hearing. West Virginia Contraband Forfeiture Act, can be used in so many ways, by so many people, outside of its true meaning, or language that is written within it. Why or how could this happen? Its a simple, and very easy answer, don't take a law degree to know this answer, Safeguards Within the West Virginia Constitution are gone for myself, and Guaranteed Protection within U.S. Bill of Rights, Constitution, U.S Civil Rights Act is missing. Due Process within the Fifth, and Fourteenth amendments of the U.S. Constitution didn't protect me, or any other West Virginia citizens, or any U.S. citizen, within the State of West Virginia, while West Virginia Contraband Forfeiture Act is still Civil law. My Life, Liberty, Property can only be equally protected, by State Safeguards, and U.S.Constitution Protections to Due Process, if there is a (INDICTMENT) to deprive me of any one of my God given Rights, of LIFE, PROPERTY AND LIBERTY. I am as a human, defending Due Process within Property's Rights, just as in one moment in time, a nonwhite human, defending there God given rights to Life, without being own by White men to live a life in slavery. Just as a human has defended, their God given rights to liberty at one time. not to jailed without Due Process. As a human living in United States of another color, life, liberty, more less property was not a god given right, at moment in time. Just as humans before myself had their life taken, liberty taken, in the year 2016, 2017 Property is now is being taken. Man told humans before myself, that having God given rights was not a legal Right under mans laws. Now I am being told by man, that it is legal to have Property taken from myself because I am poor of wealth, not able to have the safeguards, and protections of counsel. This Federal Civil Rights Action is Precedent, this is a case that is going to be revisited by the United States Supreme Court.

If the Fayette County Circuit Court, Chief Judge, had set a date for a hearing before the court had ruled upon that matter, the Court would of had to appoint a lawyer for myself before any Court hearings, to safeguard my due process, and not to self- incriminating myself. The Chief Judge stated in his ruling opinion, that I, nor the State took action in this case for over a year, I would of taken action earlier, but I had the clouds of threat, and possibility of made up criminal charges against me, if i told the Truth about how I got robbed.

On September 19, 2017 I received a check from Central West Virginia Drug Task Force for \$2,102.00. I never received back, none of my actual money police took from me, like old fifty's, and hundred dollar Bill's, that was given to me, from family members before they deaths, some of my money, that was taken, held the only physical objects, i had as memories of families members, because police had already deposited, and spent, my money out of this Police Forfeiture Bank Account. All police did, was reimbursed me for money they Already have spent.

West Virginia contraband forfeiture act, violated my Federal Civil Rights (42 U.S.C. sS, 1983) by depriving me of due process under U.S. Constitutions, Fifth and Fourteenth amendments Due Process Clauses

Prosecutors Brian D.Parsons, and Larry E.Harrahs from Fayette County Prosecutors office took part my money and put it in his reelection campaign, just as Fayette County Magistrate Leonard Brickford did, and they colluded with Detective Young, and Detective Callison to cover up illegal acts that was perform upon myself. Prosecutors knew police didnt have legal authority to take, deposit, and spend my money without some kind of process. Prosecutors acted outside their official capacity, had no legal authority to represent these police officer in this civil petition. Prosecutors acted in their personal capacity, to defend police that acted outside there job capacity by taking, keeping, spending money, without going though proper procedures, police should of gotten a Private lawyer for my petition.

West Virginia Contraband Forfeiture Act, deprived me of not just the Fifth and Fourteenth Amendments of U.S. Constitution. But also the Fourth Amendment unreasonable search by Detective Young, and Detective Callison they used bogus information to obtain a Search Warrants, that had nothing to do with myself in my personal capacity, nor stated anything I done as a crime, or to be probable cause, in fact a arrested warrant was never asked for from Fayette County Magistrate Judge Leonard Brickford, he was not given any type information about myself, that would be consider probable cause to justifiably granting (two) different search warrants, Magistrate judge Leonard Brickford acted in his personal capacity, third degree participant acting in the color of law, by denying me of equal protection of the laws, what is within the fourteenth amendment of the U.S. Constitution, by grating bogus search warrant's. If police, prosecution, and magistrate (give a person a Reputation of being a drug dealer), this is all necessary to seek and have granted a search warrant. (See the States answer to my civil petition)

Detective Young had custody of all my money, when he went to the Bank (the next following day), and made a deposit, into Police Forfeiture Bank Account. Detective Young's total amount deposited into this Forfeiture Bank Account was \$4,402.00 the same amount, that was taken

from me, Police Bank Account records will provide everything I say. Detective Young only put half the amount on my property receipt of \$2,202. When (all) my money was put into this police forfeiture bank account, it was forfeited, police never plan on giving my money back, their plans was to permanently deprive me of my money, and the Fayette County Prosecutors assist in this depravation,, by being third degree participants acting in the color of law, covering up felony actions of police. I am on police body Cam's, talking about police counting and telling one another what supplies they going to buy with my money. Detective Young told me that he was going to make a deal with me, and that deal would be, if I would work for him, by finding, then sit up a big time drug dealer, he would give back only the money on my property receipt of \$2,202.00, and he would make a criminal drug charges ago away that he had on me.

Having my money taken, and have it put into a Police Forfeiture Bank Account within 24 hr, this act Deprived myself of my Due Process under the Fifth, Fourteenth amendments, crystal clear Federal Civil Rights Violation, 42 U.S. Code sS 1983, also Violates the Eighth Amendment by not being not fair, but cruel and unreasonable treatment.

Fayette County Prosecutors, (all my cash was counted on police body cam) helped police conspire on depriving me of all my money permanently. Only half of my money, was written on a property receipt, police, prosecutors had conditions upon that, and this was their settlement agreement proposal. The reason why police, nor Fayette County Prosecutors, never sent me any type of notifications on the status, or disposition of my money, was because Police, and Prosecutors had already Forfeited my money, and Spent It.

By Having my money taken, under the umbrella of the (West Virginia Civil Forfeiture Act) as oppose to just being robbed by police and prosecutors. I have the right to a Court Appointed lawyer under the Fifth, and Fourteenth Amendments in State and Federal Courts, because it's Criminal in nature, just labaled Civil, to save the State money, so that they don't have to pay for a Court Appointed Attorney for Criminal forfeiture, I have the protection not to self-incriminating myself, while Challenging any and all equally protected (life,liberty, property) Constitutional rights to Due Process, if any possibility of self- incriminating, in a preceding thats criminal in nature, but labeled (Civil) Forfeiture Hearings, is nothing more then a Criminal Forfeiture, that Superseded Guaranteed Protections, and Safeguards within State and Federal Constitutions.

If a person freedom is in question, the protection of the Assistant of Council Clause within the Sixth Amendment provides, in all criminal prosecutions, the accused shall enjoy the right to have the Assistance of Counsel for his defence. he would enjoy the assistant of council for only one reason, that would be for the protection of Due Process that is Guaranteed, for life, liberty and property equally.

Taking any of my Property, by a State, entity's has no less protected under the Fifth, and Fourteenth Amendments Due Process Clause, as if State, entity's took my liberty. I have the same protection of Life, Liberty, and Property within the Six Amendment Confrontation Clause to have a opportunity to confront and cross-examine witnesses against me or her to ensure that Due Process Rights are (upheld), and that witnesses statements are taken in Open Court, as opposed to hearsay statements, the accuracy of which cannot be determined. The Due Process

Protection within the Six Amendment Confrontation Clause, protect myself when my Property is taken without Due Process. When I have to file suit in State or Federal Court, to confront in open Court the entity that took my money, from a Criminal Investigation without Due Process, I have the Right to not self- incriminate myself while challenging my deprivation of Due Process of Property that was taken.

State Civil Forfeiture Hearings are Criminal in Nature, this process is to Deprive a person of thier Property, without Full Protection of Due Process. If i as a person, had a Civil Forfeiture Hearing to take away my (liberty), the same Guaranteed Rights, protects my a Property Equally the same. No State Civil Forfeiture Act, can not Superseded, the Equal Protections that Life, Liberty, and Property, has the same Guaranteed Rights to Due Process. No State Entity can Deprive me of my Property, without the same Due Process Protects, that of my Liberty has. The same protection I have when facing one day in jail (lost of liberty), I have that same protection, when I am facing the lost of one dollar (lost of property) Fourth, Fifth, Sixth, Eight, and the Fourteenth Amendments has the same Due Process Protection, within them to protect from Deprivation of Liberty, or my property. Property, under West Virginia, and U.S. Constitution has to be Criminally Deprived,, same as that of my Liberty and that of Life.

I am protected from Self- Incriminating Myself, In Any Process that can Deprive me of my Property. To keep my Property for over a year, they plan on Depriving me of my Property Permanently, without Due Process in Civil or Criminal open Court Hearings, having a State Forfeiture law, as their legal Authority. After the State took my money, they held a Criminal cloud over my head. If I would of went after my Property, and follow Civil Proceedings to get my Property back, I would be self- incriminating myself in thiat Civil Proceedings. When I filed my Petition in Fayette County Circuit Court to get my money back, the Chief Judge had to ruled (sua sponte) without a hearing, to protect my due process protections, within both the State and Federal Constitution The States answer to my Petition was no more then West Virginia Contraband Forfeiture Act bought back to life, and within States answer was Interrogators, and other things, that were Criminal in Nature, and i have the possibility of confinement. I would of had the right to a lawyer, if I had any hearings before the Judge ruled upon my case. To be in a situation, were I have had my money taken and spent, without Due Process in Civil or Criminal, hearing's, and if I didn't follow Civil Proceedings, by not answering interrogators I would of been deprived of my property permanently.

Prosecutor's given me a Settlement Proposal Agreement, Prosecutors wanted me to give up my right to Challenge the Constitutionality of West Virginia Contraband Forfeiture Act, and to file this Federal Civil Rights Action, by signing this agreement, I would be allowing White Supremacy, that's in leadership roles, within police ranks, in this state, to keep holding Klan rally's at my and others people of color Dwellings (domestic terrorism) sitting citizens up, if thier robbery go bad (damage control). Pleading guilty to something I don't do, or chain of events that never really truly happen. Just to get my money back, from racist individuals in government positions. Not only was this settlement proposal agreement, quietly speaking Criminal in Nature, also it extended the life of West Virginia Contraband Forfeiture law far pass the 90 days time limit to file, Police, Prosecutors enact new law, within West Virginia

Contraband Forfeiture Act, as need be, in Civil Forfeiture Procedures, what are nothing more than Criminal Hearing in Nature. Fayette County Prosecutors, Police, and Magistrate Leonard Brickford all know Their job procedures, what's at hand is a culture of Blatant disregard (jimcrow) to any rules of law, for people of color. Citizens of all colors in this State, are getting robbed, under the umbrella of West Virginia contraband forfeiture act. Truth is police, and prosecutors are only pointing at West Virginia Contraband Forfeiture Act, opposed to following protocols, procedures within it. White supremacy is alive and is present within different levels of State Government right now, all around me within this state is hate. As a naturalized citizen from Seoul, Korea, born 11-13-70 came to United States in 1975 and have lived in the State of West Virginia, in Fayette county for most of all my life. I have experienced blatant discrimination all my life in this state, from White and black people. I have been robbed by police before, after getting a insurance settlement, this is when I first felt West Virginia Contraband Forfeiture Act, i took Civil Rights Action see. Braxton vs. Matthew | 865 f.Supp. 345 (94).

I am challenging the Constitutionality, of West Virginia Contraband Forfeiture Act. This law Deprives my property protection of Due Process within the Fourth,Fifth, Sixth and Fourteenth Amendments of the U.S.Constitution, Violate the Eighth Amendments as well, and Deprived of Civil Rights.

I am not the only person, that have property taken without any Due Process, it still is happening today, taking money from people is a everyday occurrence, within this State and though out this Country. People in this State that are not white, poor, totally unaware of their rights, are getting robbed most everyday in this state, if they have cash on their person, cars, or even at their homes. Police in Fayette County, are making Private Forfeitures to raise money for political campaign's such as Fayette County Magistrate Election Fund, Sheriff of Fayette County Sheriff Election Fund, Fayette County Court Clerk Election Fund, this is what was told to me by Sheriff Steve Kessler, before he plan on killing me, he said he was the law, oppose to law enforcement, he did what he wanted to. He told me if I wanted to keep my cash next time to get me a debt card, because he is going keep taking cash from who he wants.

Sheriff Steve Kessler, said he got a part of my money that was Privately Forfeited from my dwelling on April 15, 2016 and spent it on his campaign getting elected Fayette County Court clerk, Sheriff Steve Kessler told me that, the rest of my money he had left, was spent on buying Police supplies, and I was not getting nothing, but something in don't want. Once I got robbed, by Police, there is not no protocol to investigation a robbery or to return any property taken.

i, or any persons, that have personal property taken from them, via personal Search or Search Warrant, or when police have takes any item's, its from a Felony Criminal Investigation, myself and other citizens of United States, have the protection, from Self-incrimination in a State Courts, Criminal Forfeiture hearing's, what is labeled (civil), but originated from a Felony Criminal investigation of Drugs, What West Virginia Contraband Forfeiture Act, does is Superseded the Due Process Clause of the Fifth, Fourteenth Amendments, by not being able to have the fair hearing, or without Self-incriminationing myself. Any person trying to challenge, actions of the police in Civil Forfeiture Process, the Fifth Amendment privilege is raised in a civil proceeding rather then a Criminal Prosecution, does not Deprive a party of its protection. Lefkowitz vs.

Cumminghorn, 431 U.S. 801,805 (1977) West Virginia contraband forfeiture act is racist, design to Superseded the U.S.Bill of Rights, State and Federal courts, for a (money). West Virginia Contraband Forfeiture Act, Violates the Civil rights act, by in powering Racist police, to deprive minority of Constitution Rights, without any kind of Due Process, nor any kind of protocols is in place, to have money returned.

In West Virginia's Constitution, Article 3-10 Safeguards for Life, Liberty and Property, no person shall be deprived of Life, Liberty, and (PROPERTY), without due process of law, and the judgment of his peers. West Virginia Constitution equally protects Life, Liberty, and Property due processes, plus jury trial of twelve men.

Article 3-14 Trials of crimes-- Provisions in interest of accused. Trials of crime, and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offence was committed, unless upon petition of the accused shall be fully and plainly informed of the character and cause of the accusation against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defence, and there shall be awarded to him compulsory process for obtaining witnesses in his favor. Article 3-10 Safeguards Life, Liberty, Property equally when their is deprived without Due Process of Law. I was given no Due Process, plus the State Claims on April 18, 2016 police recovered \$100.00 MARKED MONEY from my Dwelling, on their Settlement agreement proposal. If I had settled with the state, by signing this Settlement agreement proposal, the State stated it had no plans on pursuing criminal charges. From that point of my refusal, of this Settlement Agreement Proposal, involves my Rights, not to self- incriminating myself, while challenging my property's Due Process in Open Court. I was given this Settlement agreement proposal by the state, to sign, without a lawyer and without the knowledge of the Court where I filed the petition with, I filed the proposal to the court, via County Court Clerks Office. I have the situations within this Civil Rights Action, to invoke the Assistance of Counsel.

Leadership within police, in State, and County Entity's, sent situations in motions to justified homicide upon me, on February 15, 2017 to shut me up, and show me that, I didn't really have these State safeguards, nor have the Guaranteed Protections within the U.S. Constitution. My situation of total deprivation of my property, without the Due Process of law, and life threatening, racist, intimidating encounters, makes myself risk, life, liberty, in open court hearings, to challenge the constitutionality actions, of lost property of mine, In my situation, their is only one way to be able to achieve the protections, safeguards, that where put into place within the State of West Virginia Constitution, and the Guaranteed protections of the Bill of Rights within the U.S. Constitution. evidence is present, that my State, Federal, Constitution rights have been violated, Civil Rights Violation is present, it is more then likely to think, since one of the Third degree participants, are the States Prosecution, acting in the color of law are going to, try to do make me lose my Liberty, for going after my Property. The assistance of counsel is the Safeguard for Life, Liberty and Property's Due Processes within West Virginia Constitution in my case , assistance of counsel is the only way in my case, that the Guaranteed Protections of Due Process within the Bill of Rights in U.S. Constitution is protected as written. Conviction is necessary, to Safeguard my life, liberty, and property, If government deprive my Property Due

process, it Deprives my LIFE Due Process. One can not, take Property from myself, and think it didn't take part of my life, from myself.

When West Virginia Contraband Forfeiture Act, was signed into Law, it's intent was the same as the Federal civil forfeiture act. One of the Types of Federal Forfeitures,

is CRIMINAL FORFEITURE.

Is an action brought as part of the criminal prosecution of a defendant. It is (in personam) (AGAINST THE PERSON) action and requires that the government indict the property used or derived from the crime along with the defendant. If the jury finds the property forfeitable, the court issues an order for forfeiture. For forfeitures pursuant to the Controlled Substance Act (CSA), Racketeer Influenced and Corrupt Organizations (Rico), as well as money laundering and obscenity statutes, there is an ancillary hearing for third parties to assert their interest in the property. Once the interests of third parties are addressed, the Court issues the final Forfeiture order. This law would of protected my Life, Liberty, and Property Due Process equally. Civil Forfeiture of Property is not a necessary, and my case it clearly shows, its Unconstitutional.

State Governments has to Indict my (Property), along with Myself, only a Jury can find my Property Forfeitable under State and U.S. Constitution. Just the same as my (Liberty), government has to Indict, only a Jury can Convict/ Deprive me of my liberty. All are equally protected. (Life) is deprived of Due Process of law, when either Property or Liberty is Deprived of Due Process of law. No State Legislators, can Supersede State Constitution, nor can Congress make laws to Supersede, the Guaranteed Protections of Due Process within U.S.Constitution's Bill of Rights, or Violate my U.S. Civil Rights.

GOD'S GIVEN RIGHTS, TO HAVE LIFE, LIBERTY AND PROPERTY, IT IS A HUMAN RIGHT.

Police came in my dwelling to shut me up, to kill me (damage control) on February 15, 2017, so I am letting this court know, If i just might be killed, for filing this Civil Rights Action, Constitutional Challenge to West Virginia Contraband Forfeiture Act. I ask that this Civil Rights Case of mine, be appealed to the U.S. Supreme Court.

Relief, I ask this court to rule that the State of West Virginia Civil Forfeiture Act, is Unconstitutional in my case, and Violates the U.S. Civil Rights Act.

I ask this court to establishe specific guidelines, for all police departments within the State of West Virginia must follow when taking any type of personal property.

A Constitutional Question? Do Property have Equally protected rights as Life and Liberty under U.S. Constitution.

I ask for \$2,200.00 that was never put on property receipt of April 18, 2016, plus punitive damages.

I ask for \$650,00 that was taken on February 15, 2017 and never was recorded on no property receipt, plus punitive damages.

A handwritten signature in black ink, appearing to read "Andy J. Braxton", followed by the date "4-17-18".

Every Entities is (Liable) for not monitoring their Police Officers, in this Drug Unit robbed me twice, and tried to kill me, don't know the identity of all persons involved, for coming into my Dwelling on April 18, 2016, and on February 15, 2017. This Civil Rights, Constitutional Violation, happen within this United States District Court in Charleston, West Virginia, Jurisdiction, in Fayette County, West Virginia.

I am suing every entity that's being named, with there address, in their Official Capacity for amount shown.

West Virginia State Police, 725 Jefferson Road South Charleston, WV 25309-1698, in their official capacity, \$ (one dollar).

Central West Virginia Drug Task Force Corporation, address unknown, \$1,000,000.00.

Fayette County Magistrate Leonard Brickford, in his Personal and Job Capacity, 213 N Court St, Fayetteville, WV 25840. \$50,000

Fayette County Sheriff Mike Fridley, in his Personal and Job Capacity, 100 Church St, Fayetteville, WV 25840. \$5,000

Fayette County Prosecutor, Larry E. Harrah, 108 E Maple Ave. Fayetteville, WV 25840. \$100,000.00 in his Personal and Job Capacity.

Fayette County Prosecutor, Brian D. Parsons, 108 E Maple Ave. Fayetteville, WV 25840. \$100,000,00 in his Personal and Job Capacity.

Steve Kessler (Estate), former Sheriff of Fayette County, address unknown, in his personal and Job Capacity. \$500,000,00.

Oak Hill City Police Officer, C.A. Young, 691 Virginia St, Oak Hill, WV 25901. in his Personal Capacity \$2,200,00

Oak Hill City Police Department, 691 Virginia St, Oak Hill 25901 in it's Official Capacity, \$1,000,000,00

W. R. Callison, Drug Unit Member, address unknown, in his Personal Capacity, \$650,00

Fayette County Commission, 100 N Court St, Fayetteville, WV 25840, in it's Official Capacity \$1,000,000,00

Fayetteville City Police Department, 204 Church St, Fayetteville WV 25840, in their Official Capacity, \$1,000,000,00

City of Oak Hill, West Virginia, 100 Kelly Ave, Oak Hill, WV 25901, in their Official Capacity, \$1,000,000,00.

City of Fayetteville, West Virginia, 125 Court St, Fayetteville, WV 25840, in their Official Capacity, \$1,000,000,00

Mount Hope City Police Department, 609 Main St, MT.Hope, WV 25880, in their Official Capacity, \$1,000,000,00

City of Mount Hope, 609 Main St, Mt.Hope, WV 25880, in their Official Capacity, \$1,000,000,00

Ansted City Police Department, 104 Randall St, Ansted, WV 25812, in their Official Capacity,

\$1,000,000,00

City of Ansted, 110 E Main St, Ansted, WV 25812, in their Official Capacity, \$1,000,000,00

Gauley Bridge City Police Department, 321 Main, Gauley Bridge, WV, 25085, in their Official Capacity, \$1,000,000,00

City of Gauley Bridge, 278 Railroad St, Gauley Bridge, WV 25085, in their Official Capacity, \$1,000,000,00

Nicholas County Commission, Suite #1, 700 Main St, Summersville, WV 26651, in their Official Capacity, \$1,000,000,00

Nicholas County Sheriff Department, 700 MainSt, #3, Summersville, WV 26651, in their Official Capacity, \$1,000,000,00

Summersville City Police Department, 400 Broad St, Summersville, WV 26651,in their Official Capacity, \$1,000,000,00

City of Summersville, West Virginia, 400 Broad St, Summersville, WV 26651, in their Official Capacity, \$1,000,000,00

Richwood City Police Department, 6 White Ave, Richwood, WV 26261, in their official capacity, \$1,000,000,00

City of Richwood, 6, White Ave, Richwood, WV 26261, in their Official Capacity, \$1,000,000,00

Clay County Commission, Clay, WV 25043, in their Official Capacity, \$1,000,000,00

Clay County Sheriff Department, 246 Main St, Clay, WV thePoliceicialicialicial Capacity, \$1,Commission

Webster County Commission, #G1, 2 Court Square, Webster Spring, WV 26288, in their Official Capacity, \$1,000,000,00

Webster County Sheriff Department, #G3, 2 Court Square, Webster Spring, WV 26288, in their Official Capacity, \$1,000,000,00

City of Webster Spring, West Virginia, 146 McGraw Ave, Webster Spring, WV 26288, in their Official Capacity, \$1,000,000,00

Webster Spring City Police Department, 146 McGraw Ave, Webster Spring, WV 26288, in their Official Capacity, \$1,000,000,00

Cowen City Police Department, 91 ER Bacon Road, P.O. Box 446 Cowen, WV 26206, in their Official Capacity, \$1,000,000,00

City of Cowen, West Virginia, 91 ER Bacon Road, P.O. Box 446 Cowen, WV 26206

Pocahontas County Commission, 900 10th Ave, Marlinton, WV 24954, in their Official Capacity, \$1,000,000,00

Pocahontas County Sheriff Department, 900 1/2 10th Ave, Marlinton, WV 24954, in their Official

Capacity, \$1,000,000,00

Marlinton City Police Department, 709 2nd Ave, Marlinton, WV 24954, in their Official Capacity,
\$1,000,000,00

City of Marlinton, West Virginia, 709 2nd Ave, Marlinton, WV 24954, in their Official Capacity,
\$1,000,000,00

ANTHONY JAMES BRAXTON
4-17-18